



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

SENT BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Black Widow Motorsports, LLC
Brian Bunting
500 Ford Lane PO Box 513
Center Point, Iowa 52213

SERVICE VIA ELECTRONIC MAIL
RECEIPT CONFIRMATION REQUESTED

stewart@hassancables.com

Stewart Cables
Hassan & Cables
1035 Pearl Street, Suite 200
Boulder, Colorado 80302

RE: Notice of Potential Violation and Opportunity to Confer
Clean Air Act Mobile Source Requirements
Black Widow Motorsports, LLC

Dear Messrs. Bunting and Cables:

Title II of the CAA, 42 U.S.C. §§ 7521-7554, and the regulations promulgated thereunder, were enacted to reduce air pollution from mobile sources. In creating the CAA, Congress found, in part, that the increasing use of motor vehicles has resulted in mounting dangers to the public health and welfare. Title II authorizes the U. S. Environmental Protection Agency Region 7 to set standards applicable to emissions from a variety of vehicles and engines. The CAA prohibits tampering with emissions controls, as well as manufacturing, selling, or installing aftermarket devices intended to defeat those controls.

On October 23, 2020, the EPA sent Black Widow Motorsports, LLC ("Black Widow") an information request pursuant to Section 208(a) of the CAA, 42 U.S.C. § 7542(a). The purpose of the information request was to determine Black Widow's compliance with Title II of the CAA and the regulations promulgated thereunder. Black Widow submitted a complete response to the information request on March 2, 2021. Based on the response and other relevant information, Black Widow may be in violation of the CAA and the EPA's implementing regulations. The potential violations include the following:

- Seventy-seven instances of selling, or offering to sell, or installing any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine, where a principal effect of the part or component is to bypass, defeat, or render inoperative any emissions control device or element of design installed on or in a motor vehicle or motor vehicle engine, in violation of Sections 203(a)(3)(B) of the CAA, 42 U.S.C. §§ 7522(a)(3)(B) and 40 C.F.R. § 1068.101(b)(2). These potential violations include the sale of tuning devices that rendered



inoperative the selective catalytic reduction system, exhaust pipes that bypass or render inoperative diesel particulate filters and catalytic reduction systems and plates that block off exhaust gas recirculation.

These actions may result in excess emissions of particulate matter, nitrogen oxides, hydrocarbons, and other air pollutants that harm public health. PM, especially fine particulates containing microscopic solids or liquid droplets, can get deep into the lungs and cause serious health problems, including decreased lung function, chronic bronchitis, and aggravated asthma. Additionally, current scientific evidence links short-term NO_x exposures ranging from 30 minutes to 24 hours with adverse respiratory effects including airway inflammation in healthy people and increased respiratory symptoms in people with asthma.

The EPA's primary concern is Black Widow achieving compliance as expeditiously as possible. The EPA has continuing concerns about Black Widow's compliance with the CAA and would like to discuss these concerns. The EPA also believes that these potential violations are significant enough to warrant the assessment of a civil penalty. Section 205(a) of the CAA, 42 U.S.C. § 7524(a), authorizes civil penalties for violations of CAA § 203 requirements. To be fair and consistent in its assessment of penalties, the EPA uses the Clean Air Act Mobile Source Civil Penalty Policy, dated January 18, 2021, to calculate penalties. A link to this document is included in the Additional Sources of Information enclosure.

By this letter, the EPA is offering Black Widow the opportunity to negotiate a fair resolution of this matter before any complaint is filed. A settlement of this matter through achieving full compliance and payment of an appropriate civil penalty would be memorialized in a Consent Agreement and Final Order to be signed by an authorized representative of the company and the EPA. If Black Widow believes it does not have the financial ability to pay the proposed penalty and wants the EPA to consider its financial condition, Black Widow should notify the EPA during the settlement discussions to further discuss the circumstances and determine the appropriate financial documentation to substantiate this claim.

If Black Widow is interested in participating in pre-filing negotiations, please contact Sara Hertz Wu, in the Office of Regional Counsel, within **20 calendar days** of receipt of this letter at 913-551-7316. The EPA generally provides a period of 90 days to reach settlement before considering formal enforcement options.

Addressing significant noncompliance with environmental laws is important to protect public health and the environment. At the same time, the EPA recognizes that the COVID-19 pandemic may be impacting Black Widow's operations and causing hardships to its business. We are open to discussing and considering as part of settlement discussions any circumstances due to the COVID-19 pandemic that the company may be facing.

Your attention to this matter is greatly appreciated. If you have any questions, please do not hesitate to contact Sara Hertz Wu at 913-551-7316, or Avery Bowers, Compliance Officer, at 913-551-7639.

Sincerely,

David Cozad
Director
Enforcement Compliance and Assurance Division

Enclosure